

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**


INNOVATION VENTURES, LLC; LIVING
ESSENTIALS, LLC; and INTERNATIONAL IP
HOLDINGS, LLC,

Plaintiffs,

-against-

ULTIMATE ONE DISTRIBUTING CORP., ET AL.,

Defendants.

12-cv-05354 (KAM-RLM) 

**STIPULATION AND ~~PROPOSED~~
ORDER (RE: NON-OPPOSITION
TO DEPOSITION OF JOSEPH
SHAYOTA AND ADRIANA
SHAYOTA AFTER DISCOVERY
CUT-OFF)**

I. RECITALS

WHEREAS, on December 20, 2013, the Midwest Defendants ("Midwest") through their counsel served Joseph Shayota with a Re-Notice of Deposition to appear and be deposed on January 15, 2014 and Adriana Shayota with a Re-Notice of Deposition to appear and be deposed on January 16, 2014;

WHEREAS, Joseph and Adriana Shayota ("Shayotas") contend they will be unavailable to appear on January 15 and 16 of 2014 respectively;

WHEREAS, all parties to this stipulation are in agreement that Midwest may re-notice the depositions of the Shayota's after the discovery cut-off;

WHEREAS, Adriana Shayota agrees to appear, absent exigent circumstances, for her deposition on February 5, 2014;

WHEREAS, Joseph Shayota agrees to appear, absent exigent circumstances, for his deposition on February 6, 2014;

WHEREAS, the discovery cut-off in this action is January 17, 2014;

WHEREAS, all parties have agreed that they will not object to Midwest taking the depositions of the Shayota's after the discovery cut-off of January 17, 2014;

WHEREAS, all parties to this Stipulation are in agreement with the rescheduled deposition dates of February 5 and 6 of 2014;

WHEREFORE, Midwest and the Shayota's now stipulate, and request that the Court enter the present stipulation as a stipulated order in this case, as follows:

1. The depositions of Joseph and Adriana Shayota may proceed on February 5 and 6, 2014, even though such dates are after the January 17, 2014 discovery cut-off in this action.

IT IS SO STIPULATED

Dated: January 8, 2014

SELTZER CAPLAN MCMAHON VITEK

By: /s/ David M. Greeley

David M. Greeley
750 B Street, Suite 2100
San Diego, California 92101
greeley@scmv.com
T: (619) 685-3003 / F: (619) 685-3100
Attorneys for Tradeway Int'l, Inc. d/b/a Baja
Exporting, Joseph Shayota, and Adriana
Shavota

Dated: January 8, 2014

By: /s/ Anthony R. Paesano

Anthony R. Paesano
7457 Franklin Road, Suite 200
Bloomfield Hills, MI 48301
(248) 792-6886
Counsel for the Midwest Defendants

*The schedule previously so-ordered
by this Court otherwise remains
unchanged.*

SO ORDERED:

/s/

Roanne L. Mann
U.S. Magistrate Judge

Dated: 1/10/14